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PATENT

1648
#8
Bellon
10/23/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klein et al.

Group Art Unit: 1648

Serial No.: 09/685,828

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For: METHODS OF IDENTIFYING
COMPOUNDS HAVING
NUCLEAR RECEPTOR NEGATIVE
HORMONE AND/OR ANTAGONIST
ACTIVITIES

Signature: Bonnie Ferguson

Examiner: Myron G. Hill

Date of Signature: 10/11/2002

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REPLY AND AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir,

This communication is in reply to the Office Action mailed July 17, 2002. The Office Action has been carefully considered; Applicants have the following comments.

REMARKS

Rejection Pursuant to 35 USC §112

Claims 21-25, 33 and 39 were rejected as being allegedly indefinite. Applicants respectfully traverse this rejection for the reasons stated below.

The Examiner states that it is unclear if the agonist of claim 21 step a) is the same as the ligand of step b) of the same claim. Applicants respectfully submit that the ligand of step b) is any ligand, whether an agonist, antagonist, or inverse agonist. The point is that, for the comparison mentioned by the Examiner, the expression of the reporter gene is measured in the absence of any such ligand, and then the effect of a test compound is measured. If the expression of the reporter gene is less upon contact with a test compound than is seen in the absence of any added ligand (as defined above), then the test compound is determined to be an inverse agonist of the nuclear receptor. Thus, the present claim language is clear to the person of ordinary skill